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*14/ Declaration
7. Sept 01
12-12-01*

Applicant : Wayne Cohen
Serial No. : 09/393,473 Examiner : Hsieh, S.
Filed : September 19, 1999 Group Art Unit: 2837
For : MARACA WITH FLEXIBLE HANDLE

DECLARATION UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Wayne Cohen declares under penalty of perjury as follows:

1. I am the inventor of the above-identified patent application. I make this declaration in support of the patentability of the invention claimed therein.
2. I am the chief executive officer of Bongo Logic, Ltd. Attached hereto as Exhibit 1 is a Pocket Percussion catalog showing the products of Bongo Logic, Ltd., including products incorporating the invention of this application.
3. Exhibit 2 is a photocopy of a portion of the Exhibit 1 catalog which illustrates the advantage of flexible handle for a key chain ornament as claimed in the above application.

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4. Since their introduction, the key chain ornaments which incorporate the invention of the above application have rapidly grown in popularity and sales to become the most important and highest volume sales items of Bongo Logic, Ltd.

5. The popularity of the key chain ornaments according to the invention has attracted the attention of competitors of Bongo Logic, Ltd., and at least one competitor has copied the structure thereof and attempted to exhibit such copied products at a trade show. Following the complaint of Bongo Logic, Ltd., the copied products were withdrawn from exhibition.

6. I am co-inventor and owner of U.S. Patent 5,808,215. I initially fabricated a key chain ornament following the teachings of this patent, Figure 4. The resulting device was easily broken at the junction of the handle and shell when used as a key chain ornament. The known way to address this problem was to attempt to strengthen the item in this area, but this approach was not practical for other reasons. I solved the problem by providing a flexible handle, which, as shown in Exhibit 2 yielded a durable product.

I declare that all statements made herein on personal knowledge are true, and all statements made on information and belief are believed to be true, and that all such statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

9 November 2001

Date



Wayne Cohen